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Attorney Docket No.: 020375-020400US

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Address" service under 37 CFR 1.10 on the date indicated above and is addressed to:

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450

Alexandria, VA 22313-1450

By: Bonne Reables

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Ian M. Drysdale et al.

Application No.: 09/812,036

Filed: March 19, 2001

For: Method And System For

Providing A Targeted Electronic

Communication

Customer No.: 20350

Confirmation No.: 9345

Examiner:

Alina A. Boutah

Art Unit:

2143

DECLARATION PURSUANT TO

37 C.F.R. § 1.131

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

I, Ian M. Drysdale, hereby declare that:

1. I am an inventor of the above-described patent application (hereinafter "the application") and of the subject matter described and claimed therein. Charles A. Fillinger is a co-inventor.

- 2. Prior to January 18, 2001, Mr. Fillinger and I conceived of the invention in the application (hereinafter "the invention") and were subsequently diligent in reducing to practice the invention, as evidenced by Exhibits A-E, attached hereto.
- 3. Exhibit A is a section of an invention disclosure submitted by Mr. Fillinger and me prior to January 18, 2001. The disclosure was prepared and approved by Mr. Fillinger and me, and submitted to our employer (First Data Corporation) on May 19, 2000. The disclosure shows conception of the invention described in the application. In particular, page 3 of the disclosure includes a description of transmitting targeted coupons to a wirelesses device of a customer as the customer enters a commercial establishment. The coupons can be based on customer "demographics" stored in the wireless device.
- 4. Exhibit B is a letter to me dated December 10, 2000, from Paul M. Schwartz, an attorney retained by my employer to prepare an application based on our invention. This letter shows the attorney file number for my application as "FDC 052 PUS." I was the principal contact for Mr. Schwartz (as between Mr. Fillinger and myself), and I worked diligently both before and after this date in discussing the application with Mr. Schwartz and reviewing drafts (with Mr. Fillinger) of the application. There were numerous discussions and drafts because of the complexity of the subject matter. As can be noted from Exhibit B, Mr. Schwartz and I were located in different parts of the country (Mr. Schwartz had his office in Michigan, and Mr. Fillinger and I worked together in Florida) and, thus, communications between Mr. Schwartz and me (and Mr. Fillinger) required significant effort and time.
- 5. Mr. Fillinger and I had, at the time the invention was being reduced to practice, very demanding positions with significant responsibility. Mr. Fillinger had the position of Vice President of Product Development for First Data Corporation. I had the position of Vice President of Mobile Commerce for First Data Corporation. Our positions required substantial travel, and during the period of time between January 18, 2001, and March 19, 2001, we separately traveled several times for important maters relating to the business of First Data Corporation. For example, I traveled to the New York city area twice (several days beginning

January 30, 2001, and several days beginning February 7, 2001). I also traveled to San Diego, California, for several days beginning March 13, 2001. Mr. Fillinger also traveled during this time. Our business travel required time and effort to schedule common time to discuss the application together. Frequently, we were not in our offices in Florida at the same time because of our travel schedules. Furthermore, because of our management responsibilities, we frequently had to attend to many business matters, including matters related to the subject application, after normal business hours. As one example only, Exhibit C is a copy of my calendar for Saturday, January 6, 2001, showing "patents" as one item that I worked on that day (outside of normal business hours). Such work included work on the application.

- 6. During the period of time between January 18, 2001, and March 19, 2001, I assisted in the preparation of the application numerous times and had numerous discussions with Mr. Fillinger and several telephone conversations with Mr. Schwartz. Exhibit D is a copy of my calendar for February 8, 2001, showing "patent wireless coupon" as an item worked on that day. Exhibit E is a copy (two pages) of my calendar for February 12, 2001, showing "patents" as an item worked on that day, and also showing "wireless coupon - 248-386-7200," a reference to Mr. Schwartz's phone number in Michigan and evidencing a telephone conversation I had with him that day concerning the application. Exhibit F is a copy (two pages) of the assignment form that was attached to a draft of the application prepared by Mr. Schwartz. Mr. Fillinger and I signed the assignment on February 20, 2001. We signed the assignment as part of reviewing the draft together, but then determined that the application needed further review and work. Exhibit G is a copy of the declaration (two pages) filed with the application, showing I signed the declaration on March 3, 2001, and Mr. Fillinger signed the declaration on March 6, 2001. On those dates Mr. Fillinger and I reviewed and were satisfied with the application, and we subsequently mailed the application (with our signatures) to Mr. Schwartz in Michigan for him to file at the Patent and Trademark Office.
- 7. The invention was constructively reduced to practice on March 19, 2001, the filing date of the application. Prior to January 18, 2000, and continuing until the filing of the

patent application, Mr. Fillinger and I were diligently working on reducing the invention to practice by assisting in the preparation of the patent application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and, further, that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issued therefrom.

Respectfully submitted,

Ian M. Drysdale

Date: May 31, 2005

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Submitter (shou			
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	(Street	mim on IET 22076	
	(City, State a	rings, FL 33076	
	(City, State a	ina Zip)	
Work Locati	on:	Coral Springs_	
Department:	<del>-</del> •	Internet Commerce	
Work Phone		(954) 851-7493_	
Home: Phone		(954)_341-5863	
Position:		_Vice President	
Employee I.I	D. No.:	313 80 9492	
Supervisor:		_John Duncan516 843 6006	
Supervisor P	hone No.:	_516 843 6006	
Citizenship:		USA	
Social Securi	ty No.:	313 80 9492	
Other Contribut	or(s) to the I	Inventive Concept	<b>:</b>
Full Name:	Charles_		Fillinger
	(First)	(Middle)	(Last)
Home Addre	ss:		
Street)	•		
	(City, State a	and Zip)	
Work Location	on.	Coral Springs	
Department:	J	Product Manager	ment
Work Phone:	•	( 954 ) 851-7302	
MULK BUUDE.			

IP ENTION DISCLOSURE FOR

Fosition.	No.	'	rice President	
Employee I.D. Supervisor:	1NO		Steven Van Fleet	
Supervisor Pho	one No :		621 201 7748	
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Department:				
Work Phone:		(		

		Position: Position: Employee I.D. No.: Supervisor: Supervisor Phone No.: Citizenship: Social Security No.:	
		[Note: Attach ad	ditional sheet(s) if necessary]
	<b>4</b> .	Non-employee Contributor(s	s) to the Inventive Concept.
		Have any persons who are not com No (Yes/No)	pany employees contributed to the inventive concept?
·		If so, please attach a separate sheet relationship to the company and the	with full details concerning any such individuals, their contribution.
•	5.	Background of the Invention	l <b>.</b>
•		a) What is the problem/objecti	ve to which the invention is directed?
Also Forly 2 and 3	<u>cellula</u>	The wireless industry is moving ar phones and personal digital assistan	towards what I call "proximity" type features for nts (eg Palm Pilots).
they do	<u>databa</u>	nal wireless device- cell phone, perso ic or can be targeted to the consumer	stablishments, etc., coupons can wirelessly sent to their nal digital assistant, or pager. These coupons can be based on the demographics in the device or a central ia wireless connection at the Point of Sale. Similarly, ers for informational purposes.
	furthe	inute inventory levels, customer demo	o target information and advertisements based on up to ographics, and their past buying histories. It will hal consumer needs- such as size requirements or color

_	
<u>P</u>	aper flyers at the door of the merchant establishment.
******	
c)	What are the shortcomings/limitations of the prior solutions/approaches?
	No ability to target information to consumers at they enter merchants.
d)	What is the solution/approach which forms the basis of the subject invest
u)	What is the solution/approach which forms the basis of the subject invent
The	wireless device and an antenna at the store, both linked to
	•
e)	How does the solution/approach of the present invention overcome/minin
	shortcomings/limitations of the prior solutions/approaches?

	D-4-21-3 D-1-1 C/I T //
6.	Detailed Description of the Invention. (Please attach technical specifications, block diagrams, flow charts, sketches, photocopies of engineering notebook pages, etc.)
	Invention is a a) aforementioned process (we can get descriptions from TeleCheck) and a wireless device (aka card terminal) with a micr reader and optional scanner, like the Eclipse.
7.	Most Pertinent Prior Art. (What is the closest "Prior Art" (e.g., patents, technical publications, products, work by other) of which you are aware? Please be as specific as possible.)
	•
8.	Potential Commercial Value.  (Do you have any estimate of the potential commercial value of, or market for, the invention? Will it provide the company with a significant competitive advantage over competitors who do not use it?)
8.	(Do you have any estimate of the potential commercial value of, or market for, the invention? Will it provide the company with a significant competitive advantage over competitors who do not use it?)
·	(Do you have any estimate of the potential commercial value of, or market for, the invention? Will it provide the company with a significant competitive advantage over
·	(Do you have any estimate of the potential commercial value of, or market for, the invention? Will it provide the company with a significant competitive advantage over competitors who do not use it?)  This invention could become the standard method for consumers to receive coupons and
·	(Do you have any estimate of the potential commercial value of, or market for, the invention? Will it provide the company with a significant competitive advantage over competitors who do not use it?)  This invention could become the standard method for consumers to receive coupons and nants to gather traffic information. I believe that it would have substantial commercial value.
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9.	(Plea	se identify any inventions developed by you or other company employees which are ed to, or complementary with, the present invention.)
10.	(Plea	ated Products.  use identify any current or past company products as to which the present invention is approvement.)
	icts tha	CellTrek Explorer wireless POS terminal is only marginally related to this invention.  It I am currently working on that envision person to person or business to consumer om wireless devices may encompass this type of process.
11.		portunity to Maintain the Invention as a Trade Secret.
		the invention be apparent from, or disclosed by, a visual inspection of the product in h it will be ultimately embodied?Yes
		the invention be reverse engineered from the product in which it will be ultimately odied?Yes
•	If Ye	es, easily?no or with substantial time and expense?Yes
12.	Con	ception of the Invention:
	a.	Date and place invention was conceived:  In February 2000, Charles and I discussed
	ng with logy.	Sensormatic Corp. We brainstormed uses of security technology with wireless
	b.	Date of first drawing(s) or written description:
	c.	Location of first drawings

		or written description:	2/5/00, location, Coral Springs, Ian Drysdale's
office	) <u>,                                    </u>	or written description.	273700, location, Colai Springs, Ian Drysuale s
	d.	Date invention was first orally disclosed to others:	•
	e.	Person(s) to whom invention was first orally disclosed:	· · · · · · · · · · · · · · · · · · ·
	<b>f</b> .	Engineering Notebook I.D. and Page Nos.:	
•	g.	Present location of Notebook:	
	h.	Witness(es) to conception:	Sandy Mollett, Dallas Martin
13.	Red	luction to Practice: n/a	
	a. ·	Date first prototype or working	g model was completed:
	b.	Person(s) who constructed pro	totype/model:
	C.	Present location of prototype/n	nodel:
	d.	Date of first test:	
	e.	Results of test:	·
	f.	•	
14.	Con	nmercial Activity:	
	a.	Has a physical embodiment of t	the invention been: n/a
		1. Sold?	Earliest Date:

	<b>2</b>	Offered for sale?	Earliest Date:
		101 5410.	
	3.	Demonstrated	
		to customers?	Earliest Date:
	4.	Exhibited at	
		a trade show?	Earliest Date:
	5.	Sent to	
		beta test?	Earliest Date:
	6.	Incorporated	
	•	in a product?	Earliest Date:
	7.	Used internally	•
		for commercial	·
		purposes?	Earliest Date:
	8	Etc. (Please describe any	other commercial activity)
•	8.	Etc. (Please describe any	other commercial activity)
•	8.		other commercial activity)
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a.	Has to cond  If Ye	the invention been disclosed to itions of confidentiality?  (Yes, when and under what circums)	o third parties (non-employees) withoutno

d.	Level of technical detail in disclosure:
	[Note: attach copy of disclosure if available]
P	ublic Use:
a.	Has the invention been used by anyone outside the Company?no(Yes/No)
b.	If Yes, what was the earliest date of such use:
C.	Describe the circumstances of such use:
	nticipated Commercialization, Disclosure or Use: lease provide dates and details):
A al fit	s we develop comprehensive wireless ecommerce solutions, this invention will be
jo	hird Party Rights: If there are, are there any third parties (contractors, consulant developers) who may have any ownership or other legal rights in the invention, ease provide details:
	none.

Signature o	f inventor(s):		•
Name	Title	Signature	Date
Name ·	Title	Signature	Date
Name	Title	Signature	Date
Name	Title	Signature	Date
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Witness(es)			
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ON BY PA	TENT REVIEW (	COMMITTEE	
Decision of file	e application(Yes/No	<u>)</u>	Date:
Reason(s) for	decision not to file (e.	g., insufficient commercia	ıl value, better prote

## SCHWARTZ & SCHWARTZ, P.L.C. ATTORNEYS & COUNSELORS

INTELLECTUAL PROPERTY

29623 NORTHWESTERN HIGHWAY SUITE 200 SOUTHFIELD, MICHIGAN 48034 TELEPHONE: (248)386-7200 FACSIMILE: (248)386-7225

December 10, 2000

Mr. Ian M. Drysdale 11470 NW 56<sup>th</sup> Ct. #102 Coral Springs, Florida 33076 VIA FEDERAL EXPRESS

Re: Our File No.: FDC 0502 PUS

Title: WIRELESS COUPON DISTRIBUTION AND CUSTOMER DATA GATHERING AT MERCHANT ESTABLISHMENTS

#### Dear Ian:

I have enclosed a Declaration and Assignment in the above referenced patent application along with another copy of the application. If the application meets with your approval, please sign and date the papers before a notary and have Mr. Fillinger do the same. Please forward the signed documents to my attention for filing with the patent office.

Thank you for your assistance.

Very truly yours,

SCHWARTZ & SCHWARTZ, P.L.C.

Paul M. Schwartz

PMS/km

Enclosures

Monthly Focus: Roles— Your key relationships and responsibilities are where you spend your time, energy, and resources.

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In a democracy, the individual enjoys not only the ultimate power but carries the ultimate responsibility.

— Norman Cousins

Saturday January 2001

**Daily Record of Events** 

6th Day 359 Left Week 1

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Monday February 2001

**Daily Record of Events** 

43rd Day 322 Left Week 7

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## **ASSIGNMENT**

For the sum of One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, we Ian M. Drysdale of 11470 NW 56<sup>th</sup> Ct. #102, Coral Springs, Florida 33076, and Charles A. Fillinger of 7475 NE 8<sup>th</sup> Court, Boca Raton, Florida, 33487-1713, do hereby assign, sell and set over to First Data Corporation, a corporation organized and existing under the laws of the State of Delaware and having a place of business at 401 Hackensack Avenue, Hackensack, New Jersey 07601 hereinafter referred to as the ASSIGNEE, it successors, assigns or other legal representatives, the entire right, title and interest, domestic and foreign, in and to the inventions and discoveries in

WIRELESS COUPON DISTRIBUTION AND CUSTOMER DATA GATHERING AT MERCHANT ESTABLISHMENTS  The fact in the application for Whited States Letters Patent executed by us on the 20th day
set forth in the application for thited States Letters Patent executed by us on the 20 day of 1000, and the 20 day of 1000, and the 20 day of 1000, assign or other legal representatives to make applications and to receive Letters Patent for said inventions and discoveries in any and all foreign countries in its or their own name or names, or in our names, at its or their election, and we hereby assign, sell and set over to said ASSIGNEE, it successors, assigns or other legal representatives, all rights of priority in and to said inventions and discoveries in all countries.
And we hereby agree for ourselves, our heirs, successors, assigns or other legal representatives to execute any and all papers, including applications for Letters Patent of any and all kinds and in any and all countries and to perform any and all acts which said ASSIGNEE, it successors, assigns or other legal representatives may deem necessary to secure thereto the rights herein assigned, sold and set over.
And we hereby represent and warrant that we have not granted any rights inconsistent with the rights granted herein.
MMu
IAN M DRYSDALE
STATE OF FLORIDA ) ss.
COUNTY OF Beowney )
On this On this day of Verseumy 1981, personally appeared before me Vaul Gario, to me known to be the person named in and who executed the above instrument, and acknowledged that he executed the same for the uses and purposes therein mentioned.
Notary Public
My Commission expires:

(SEAL)

Paul J. Gallo Commission # GC 880877

Expires Oct. 19, 2003 Bonded Thru

STATE OF	FLOX: OA	)
	_	) ss

COUNTY OF BLOIMED)

(SEAL)

On this 10 day of FEBEURY 2501, personally appeared before me 1 mil 301, personally appeared before instrument, and acknowledged that he executed the same for the uses and purposes therein mentioned.

Paul J. Gallo Commission # CC 880877 Expires Oct. 19, 2003 Bonded Thru Atlantic Bonding Co., Inc.

Notary Public My Commission expires: 2 80 3

## DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY

Atty. Docket No. FDC 0502 PUS
First Named Inventor Ian Drysdale et al

As a below named inventonext to my name.	or, I hereby de	clare th	at my residence, pos	t office address an	d citizenship are as stated below
I believe I am the origina inventor (if plural names are listed invention entitled:	al, first and so	ole inve he subj	entor (if only one na ect matter which is	me is listed below claimed and for v	<ul> <li>or an original, first and joint which a patent is sought on the</li> </ul>
WIRELESS COU	PON DISTR MERCH	ANT E	ION AND CUSTO	MER DATA GA' IS	THERING AT
the specification of which:  [ x ] is attach  [ ] was filed  Number	on (MM/DD	O/YYY was am	Y) as U.S. App ended on (MM/DD	lication Number of	r PCT International Application application applicable).
I hereby state that I have claims, as amended by any amend	reviewed and ment specific	unders ally ref	stand the contents of erred to above.	f the above-identif	ied specification, including the
I acknowledge the duty to with Title 37, Code of Federal Reg	disclose info	rmatior 56.	which is material to	the examination o	f this application in accordance
I hereby claim foreign pri application(s) for patent or inventor country other than the United States application for patent or inventor's application on which priority is cla	's certificate, s of America, certificate, o	or § 36 listed b	5(a) of any PCT inter elow, and have also:	mational application	v checking the box, any foreign
Prior Foreign Application Number(s)	Country		nign Priority Date MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached? (Yes/No)
I hereby claim the benefit this listed below.	under Title 35	, Unite	d States Code, § 119	(e) of any United S	tates provisional application(s)
Application Number	er(s)			Filing Date (MM/	DD/YYYY)
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I hereby claim the benefit and, insofar as the subject matter of in the manner provided by the first pinformation as defined in Title 37, application and the national or PC	each of the cl aragraph of T Code of Fede	aims of itle 35, eral Re	f this application is n United States Code gulations, § 1.56 wh	ot disclosed in the § 112, I acknowled tich occurred betw	ge the duty to disclose material
Application Number(s)	Fi	ling De	ate (MM/DD/YYYY)	Status: Pate	ented, Pending, Abandoned

#### Declaration for Patent Application (cont'd.)

Atty. Docket No. FDC 0502 PUS

I hereby appoint the following registered practitioners to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Paul M. Schwartz, Reg. No. 33,278

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Residence	Citizenship	
Full Name of Fourth Joint Inventor		
Inventor's signature	•	
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